

MINUTES

UTAH ACUPUNCTURE LICENSING BOARD MEETING

September 28, 2005

Room 428 – 4th Floor – 9:00 A.M.
Heber Wells Building

CONVENED: 9:00 A.M.

ADJOURNED: 12:15 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Elaine T. Lu, PT, MHEd
Pamela Bys, RN, BSN, Acupuncturist
Carol Zoellner, Acupuncturist

Board Members Absent:

Todd A. Mangum, MD
Vacant Position

Guests:

Flo McNeeley, Acupuncturist
Kris Justesen, Acupuncturist
Robert Zeng, Acupuncturist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Pamela Bys as a Board Member

Ms. Taxin conducted the swearing in of Ms. Bys as a Board Member. **The Board welcomed Ms. Bys.**

Read and approve the June 8, 2005 minutes.

Ms. Bys made a motion to approve the minutes with minor revisions. Ms. Lu seconded the motion. **The Board vote was unanimous.**

PENDING BUSINESS:

Review the Roberts Rules of Order

Ms. Taxin reviewed the Roberts Rules of Order with the Board. Ms. Taxin covered general information in the following areas:

1. The guidelines are to keep order of the meeting.

2. Once a chairperson has been determined, the chairperson should run the meeting.
3. The chairperson and Ms. Taxin work together collaboratively regarding agenda items and licensing issues that may come before the Division.
4. The chair should control the meeting and keep issues clear for understanding by all. Such as, discuss one item at a time.
5. Board members should show respect for the majority.
6. The Board role is to protect the public.

Ms. Taxin stated that the last meeting was productive, as the Board was able to get some frustrations out and discuss those frustrations. Ms. Taxin stated that when someone is talking, Board members should respect them and listen, which did not occur at the last meeting.

The principles of parliamentary procedure say that one thing is discussed at one time. Focus on one item and resolve it and then move to another item.

Ms. Taxin commented that if an item is on the agenda, the Board will have discussion regarding that item. If Board members or public people want a discussion item added to the agenda, they should contact the Board secretary or Ms. Taxin regarding the issue and request it be an agenda item.

Ms. Taxin stated that once a vote has been completed, that issue is closed unless there is a motion to reopen the discussion.

If something is important, the Board must make it official with motions and votes to be sure it is in the minutes. The chair should not make motions but should vote on each motion.

Ms. Taxin concluded that, if the Board would like a copy of the Division Parliamentary Procedure information from the Orientation and Reference Manual for Occupational and Professional Licensing Board Members, the Division will make the copies for distribution at the next Board meeting or Ms. Taxin may ask the Division attorney to meet for further

clarification.

Ms. Bys shared that she had gone to the library and picked up a Websters New World Robert Rules of Order and found the information quite helpful. **Board members noted the information.**

Acceptable Wording or Acronyms

Ms. Taxin followed up from the last meeting and stated an acronym of L.Ac. could be used.

Ms. Taxin reported that the law only allows for a licensee to use the word Acupuncturist. There is no allowance for an update or addition by law for acronyms to be used. Ms. Taxin explained that the Board cannot change the law. The Board and Division can recommend to the Association a change and then the Association would take the revision to the Legislature.

Ms. Bys made a motion for the Utah title designation of L.Ac., Licensed Acupuncturist, be thoroughly studied and if possible to be used with the licensee's name and education designation. Ms. Lu seconded the motion. **The Board vote was unanimous.**

Frequency of Acupuncture Board Meetings

Ms. Taxin reported that, as discussed at the June 8, 2005 Board meeting, the Division would schedule Acupuncture Board meetings quarterly. If meetings are required more frequently, the meetings will be scheduled. If meetings need to be less frequently, due to the lack of business to conduct, then meetings will be cancelled.

Ms. Lu made a motion for the Division to schedule meetings quarterly as necessary. Ms. Bys seconded the motion. The Board vote was unanimous.

Request for New Licensees to Meet with the Board

Ms. Taxin reported that it is inappropriate for the Board to meet with each new licensee. The Association may invite them to their meetings to promote association membership.

Board members requested the names and addresses of new licensees be distributed to the Board.

Ms. Taxin responded that the right to privacy does not

allow for licensee information to be distributed except under specific circumstances. There is a form on the web site to be completed and submitted for the licensee list. The association may submit the request. The web site is accessible at any time.

Ms. Zoellner inquired about the Board reviewing all new applications.

Ms. Taxin then stated that all applications that appear to be unusual or if the Division staff have questions will be brought to the Board for review.

Presenting Adaptable Rules to the Chiropractic Board

Ms. Taxin reported that it is inappropriate for one profession to try to regulate another profession. Ms. Taxin explained that each profession regulates their own laws and rules. Ms. Taxin then stated that in the Acupuncture Law, 58-72-304, there is an exemption of licensure for specific licensed professionals. The Chiropractors are listed in that section of exemptions. **The Board noted the information.**

A Rule Requiring Chiropractors to Submit Documentation of Acupuncture Education to the Acupuncture Board for Review

Ms. Taxin reported that it is inappropriate for the Acupuncture Board to require specific continuing education of another profession. Ms. Taxin recommended that the Acupuncture Board meet for a period of time and then possibly request the Chiropractic Board chairperson to meet the Acupuncture Board for dialog regarding continuing education. Ms. Taxin stated that it is important for the Acupuncture Board to be more solidified before approaching a meaningful dialog with another Board.

The Board requested the issue be addressed again in 6 months.

Request for the Division to contact DEX and Other Phone Book Companies regarding the Law of Acupuncture and Advertising

Ms. Taxin reported that Dan T. Jones contacted the phone book companies by letter in November of 2004. Ms. Taxin dispersed the letter for Board review. Ms. Taxin stated that we cannot make the phone book companies list items properly. The licensee has a responsibility to be sure their listing is appropriate. **No action taken.**

NEW BUSINESS:

CORRESPONDENCE:

NCCAOM Summer 2005 Newsletter

The Board reviewed the newsletter. **As per the board, save these in case we need to refer back to some information.**

Invitation to FAOMRA National Meeting

The Board reviewed the information. **The Board requested information from FAOMRA not be presented at their meetings.**

Division Letter

The Board reviewed the Division letter to Dr. Todd A. Mangum regarding an invitation to the annual New Board Member Orientation. **The Board noted the information.**

Oriental Medicine Summer 2005 Newsletter

The Board reviewed the newsletter. **The Board requested this newsletter not be presented at their meetings.**

DISCUSSION ITEMS:

Board Chairperson

Ms. Taxin stated that this is an agenda item for the first meeting after July 1 each year. Ms. Taxin commented that the Board may either nominate someone today or defer this item to the next scheduled meeting. If it is deferred, then someone would need to volunteer to act as chairperson for today.

Ms. Zoellner voiced her desire to be the chairperson.

Ms. Lu made a motion for Dr. Mangum to be the chairperson.

Ms. Taxin recommended absent people not be nominated.

Ms. Lu withdrew her nomination.

Ms. Zoellner volunteered to act as chairperson for the Board today.

The Board requested this be an agenda item for the next meeting.

Tentative 2006 Board Meeting Schedule

The Board noted the following tentative dates for the 2006 Board meeting schedule: March 22, June 14, September 27 and December 6, 2006.

Public Member

Board members inquired if the public Board member has been appointed.

Ms. Taxin responded that names have been submitted to the Governor for review. Ms. Taxin will inquire if one has been approved for the Acupuncture Board.

Ms. Lu recommended Jan Lovitt be contacted to serve.

Ms. Taxin suggested Ms. Lu contact Ms. Lovitt to submit a letter of interest and a resume for the Division to review.

Continuing Education

Ms. Taxin reported that the Acupuncture Law does not refer to continuing education (CE) requirements. In order for CE to be addressed the law would have to have language requiring CE. Also, the way the law is written an applicant must have the NCCAOM certification but are not required to maintain the certification to renew their license. Individuals who obtain the NCCAOM certification are required CE to maintain the certification.

Ms. Taxin distributed a CE draft prepared by Dan T. Jones and requested the Board to review the information and be prepared to discuss further at the next scheduled Board meeting.

Ms. Bys requested the Board review the laws of other states regarding CE and acronyms to assist with recommendations for changing Utah's law.

The Board requested further discussion at the next scheduled Board meeting. The Board requested the laws of Colorado, Michigan and California be reviewed.

Insurance

Ms. Bys requested discussion regarding insurance company reimbursement for services.

Ms. Taxin recommended the licensees contact the association and the insurance commission regarding

Veterinary Acupuncture

insurance reimbursement clarification.

Ms. Zoellner asked for clarification regarding the practice of veterinary acupuncture. Ms. Zoellner stated that there are very few acupuncturists who work on animals and wondered if there could be an acupuncture certification. Ms. Zoellner stated that about 5 years ago, when she moved to Utah, her cat was ill. Ms. Zoellner contacted the Acupuncture Board regarding doing acupuncture on her cat. The Board referred Ms. Zoellner to the Veterinary Board. When Ms. Zoellner contacted the Veterinary Board, she was informed that she could do acupuncture on her own animal. The Veterinary Board further stated that if Ms. Zoellner obtained certification to work on animals, the Veterinary Board might allow her to practice veterinary acupuncture.

Ms. Taxin stated that there is no certification added to the license. Ms. Taxin suggested Ms. Zoellner contact the Veterinarian Board for clarification on scope of practice on animals before obtaining additional education and training.

NEXT MEETING SCHEDULED FOR:

December 14, 2005

MEETING ADJOURNED AT:

12:15 P.M.

Date Approved

Chairperson, Utah Acupuncture Licensing Board

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing